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OUR FILE NO.

MCRVT-023C

FACSIMILE COVER SHEET

Date: June 9, 2003

To: **Commissioner for Patents**
Washington, D.C.

Facsimile: 703-305-3590

Re: U.S. Patent Application No. 09/758,832

Applicant: Horton

Title: In situ Formable and Self-Forming Intravascular Flow Modifier (IFM), Catheter and IFM Assembly and Method for Deployment of Same

From: Robert D. Buyan

FAX RECEIVED

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GROUP 3700

Total Number of Pages: 3 (including this form). Please notify us immediately if you have not received all pages.

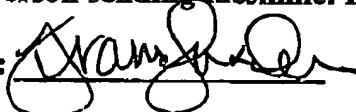
Message:

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I hereby certify that this correspondence for Serial No. 09/758,832 is being facsimile transmitted to the Commissioner for Patents at (703) 305-3590 on June 9, 2003.

Name of person sending facsimile: Francine Sanders, Assistant to Robert D. Buyan

Signature:



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#23
Election
S. Bryce
6/12/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Horton
Application No.: 09/758,832
Filed: January 11, 2001
For: INSITU FORMABLE AND
SELF-FORMING INTRAVASCULAR
FLOW MODIFIER (IFM), CATHETER
AND IFM ASSEMBLY, AND
METHOD FOR DEPLOYMENT OF
SAME

Art Unit: 3731

Examiner: Thaler, M.

Mail Stop Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION DATED MAY 28, 2003

Dear Sir:

Responsive to the Office Action dated May 28, 2003, Applicant provisionally elects Species B (i.e., system claims which recite an apparatus which emits an electrical discharge for releasing the claimed releasable connection), to which the claims of the application will be restricted if no generic claim is finally held to be allowable.

Applicant notes that the Examiner has correctly indicated that Claim 134 is presently generic. Applicant further points out that independent Claims 131 and 138, as well as the majority of the other dependent claims, are also generic as to what type of energy or apparatus is used to release the releasable connection. Accordingly, it is believed that these claims should also be deemed generic for purposes of this election requirement.

Claims 131-134 and 136-146 are presently believed to read on the provisionally elected species.

Applicant: Horton
Serial No.: 09/758,832
Filed: January 11, 2001
Page 2 of 13

Applicant invites the Examiner to telephone Applicant's undersigned counsel to discuss any further measures that can be taken to expedite allowance of claims in this application.

Respectfully submitted,

STOUT, UXA, BUYAN & MULLINS, LLP

Date: June 9, 2003

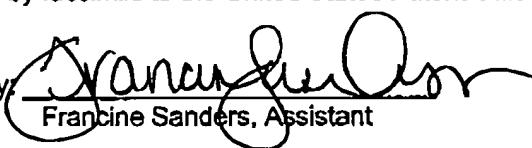

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Dated: June 9, 2003

By: 
Francine Sanders, Assistant